

They help protect against encroachments on our civil liberties and constitutional rights. Any claim that the Attorney General should submit a FISA application to the court when in her view the statutory requirements have not been satisfied undermines completely the FISA safeguards deliberately included in the statute in the first place.

I appreciate that those who disagree with me that the evidence for the Lee FISA application was insufficient to meet the FISA standard for surveillance against a United States person may urge that this standard be weakened. This would be wrong.

The handling of the Wen Ho Lee FISA application does not suggest a flaw in the definition of probable cause in the FISA statute. Instead, it is an example of how the probable cause standard is applied and demonstrates that effective and complete investigative work is and should be required before extremely invasive surveillance techniques will be authorized against a United States person. The experienced Justice Department prosecutors who reviewed the Lee FISA application understood the law correctly and applied it effectively. They insisted that the FBI do its job of investigating and uncovering evidence sufficient to meet the governing legal standard.

The Counterintelligence Reform Act of 2000 correctly avoids changing this governing probable cause standard. Instead, the bill simply makes clear what is already the case—that a judge can consider evidence of past activities if they are relevant to a finding that the target currently “engages” in suspicious behavior. Indeed, the problem in the Lee case was not any failure to consider evidence of past acts. Rather, it was that the evidence of past acts presented regarding Lee’s connections to Taiwan did not persuasively bear on whether Lee, in 1997, was engaging in clandestine intelligence gathering activities for another country, China.

Finally, some reforms are needed. The review of the Lee matter so far suggests that internal procedures within the FBI, and between the FBI and the Office of Intelligence Policy and Review, to ensure that follow-up investigation is done to develop probable cause do not always work. I share the concern that it took the FBI an inordinately long time to relay the Justice Department’s request for further investigation and to then follow up.

The FBI and the OIPR section within DOJ have already taken important steps to ensure better communication, coordination and follow-up investigation in counterintelligence investigations.

The FBI announced on November 11, 1999, that it has reorganized its intelligence-related divisions to facilitate the sharing of appropriate information and to coordinate international activities, the gathering of its own intelligence and its work with the counterespionage agencies of other nations.

In addition, I understand that OIPR and the FBI are working to implement a policy under which OIPR attorneys will work directly with FBI field offices to develop probable cause and will maintain relationships with investigating agents. This should ensure better and more direct communication between the attorneys drafting the FISA warrants and the agents conducting the investigation and avoid information bottlenecks that apparently can occur when FBI Headquarters stands in the way of such direct information flow. I encourage the development of such a policy. It should prevent the type of delay in communication that occurred within the FBI from happening again. In addition, the Attorney General advised us at the June 8, 1999 hearing that she has instituted new procedures within DOJ to ensure that she is personally advised if a FISA application is denied or if there is disagreement with the FBI.

Notwithstanding all of these wise changes, the FISA legislation will require formal coordination between the Attorney General and the Director of the FBI, or other head of agency, in those rare cases where disagreements like those in the Lee case arise. I am confident that the Directors of the FBI and CIA and the Secretaries of Defense and State, and the Attorney General, are capable of communicating directly on matters when they so choose, even without legislation. I am concerned that certain of these new requirements will be unduly burdensome on our high-ranking officials due to the clauses that prevent the delegation of certain duties.

For instance, the bill requires that upon the written request of the Director of the FBI or other head of agency, the Attorney General “shall personally review” a FISA application. If, upon this review, the Attorney General declines to approve the application, she must personally provide written notice to the head of agency and “set forth the modifications, if any, of the application that are necessary in order for the Attorney General to approve the application.” The head of agency then has the option of adopting the proposed modifications, but should he choose to do so he must “supervise the making of any modification” personally.

I appreciate that these provisions of this bill are simply designed to ensure that our highest ranking officials are involved when disputes arise over the adequacy of a FISA application. However, we should consider, as we hold hearings on the bill, whether imposing statutory requirements personally on the Attorney General and others is the way to go.

I also support provisions in this bill that require information sharing and consultation between intelligence agencies, so that counterintelligence investigations will be coordinated more effectively in the future. In an area of such national importance, it is critical that our law enforcement and

intelligence agencies work together as efficiently and cooperatively as possible. Certain provisions of this bill will facilitate this result.

In addition, Section 5 of the bill would require the adoption of regulations to govern when and under what circumstances information secured pursuant to FISA authority “shall be disclosed for law enforcement purposes.” I welcome attention to this important matter, since OIPR attorneys had concerns in April 1999 about the FBI efforts to use the FISA secret search and surveillance procedures as a proxy for criminal search authority.

Whatever our views about who is responsible for the miscommunications and missteps that marred the Wen Ho Lee investigation, S. 2089, the Counterintelligence Reform Act of 2000, stands on its own merits and I commend Senators GRASSLEY, SPECTER, and TORRICELLI for their leadership and hard work in crafting this legislation.

#### THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, March 6, 2000, the Federal debt stood at \$5,745,099,557,759.64 (Five trillion, seven hundred forty-five billion, ninety-nine million, five hundred fifty-seven thousand, seven hundred fifty-nine dollars and sixty-four cents).

Five years ago, March 6, 1995, the Federal debt stood at \$4,840,905,000,000 (Four trillion, eight hundred forty billion, nine hundred five million).

Ten years ago, March 6, 1990, the Federal debt stood at \$3,028,453,000,000 (Three trillion, twenty-eight billion, four hundred fifty-three million).

Fifteen years ago, March 6, 1985, the Federal debt stood at \$1,713,220,000,000 (One trillion, seven hundred thirteen billion, two hundred twenty million).

Twenty-five years ago, March 6, 1975, the Federal debt stood at \$499,255,000,000 (Four hundred ninety-nine billion, two hundred fifty-five million) which reflects a debt increase of more than \$5 trillion—\$5,245,844,557,759.64 (Five trillion, two hundred forty-five billion, eight hundred forty-four million, five hundred fifty-seven thousand, seven hundred fifty-nine dollars and sixty-four cents) during the past 25 years.

#### OPEN-MARKET REORGANIZATION FOR THE BETTERMENT OF INTERNATIONAL TELECOMMUNICATIONS ACT

Mr. CLELAND. Mr. President, one of the first issues to come before me as a new member of the Commerce Committee was INTELSAT privatization. Although this was a challenging issue that required balancing the international role of the U.S. in communications technology with the needs of the signatories to INTELSAT, I chose to become an original co-sponsor of the Open-market Reorganization for the Betterment of International Telecommunications Act “ORBIT” because

I believed it was important to get behind a bill that can be enacted in to law this Congress to address these challenges.

One provision that was of particular concern to me is that of "fresh look." The conference agreement on S. 376 does eliminate the "fresh look" provision that continued to be debated this year. "Fresh look" is a policy that, if implemented, would allow the federal government to permit COMSAT's corporate customers to abrogate their current contracts with COMSAT. The conference agreement rejects "fresh look" and preserves the ability of the private parties involved to negotiate contracts so that one party cannot simply walk away from its business obligations without any attendant liability.

This conference agreement does not allow the FCC to take any action that would impair lawful, private contracts or agreements. Both chambers in the 106th Congress emphatically rejected "fresh look" when they passed their own versions of international satellite privatization legislation, and the conference agreement reflects this consensus.

I commend the conferees for including language in the conference agreement that protects private agreements, contracts, and the like. To read the relevant section otherwise would be to dismiss the clear intent of Congress to preserve existing and binding obligations of parties.

#### CHILD SAFETY LOCKS

Mr. KOHL. Mr. President, I rise to applaud this morning's bipartisan "firearm summit" at the White House. A commitment to find an agreeable compromise on the Juvenile Justice Bill could not be more timely.

A week ago today, Mr. President, a six-year old living in a drug-infested flophouse in Mount Morris Township, Michigan found a gun under a quilt. The six-year old who found that gun wanted to settle a playground quarrel he had the previous day with his classmate, Kayla Rolland.

He was able to grab the gun from under the quilt because blankets are not trigger locks; they are not a sufficient deterrent to curious children who find guns lying around unlocked. He took the gun and hid it in his pants and brought it to school the next day. No one and nothing prevented him from doing so.

When he arrived at Buell Elementary School, the boy announced to Kayla that she was not his friend. He waited for an opportunity to get back at her. He later said he wanted to scare her.

As his classmates were filing out and heading toward the school library, he had his chance. He did not call her names; he did not pull her hair; he did not hit her. Instead, he pulled the gun from his pants and waved it at two other classmates. He then accurately set his sights on Kayla, pulled the trigger, and killed her. She was all of six

years old. He shot her dead in their first grade classroom.

He had access to the gun because it was not safely stored, and he was able to fire it because the gun did not have a safety lock. Either would have saved Kayla's life.

I have heard skeptics say that our child safety lock proposal, which 78 Senators supported last year, would not have mattered in this case because this gun was stolen. That is only half-true. Had the legal owner of this gun safely locked it with one of the devices mandated under our bill, then the thief might not have stolen it. Had the legal owner of this gun safely locked it with one of the devices mandated under our bill, the child's uncle might not have been able to leave it loaded within the boy's reach. Had the legal owner of this gun safely locked it with one of the devices mandated under our bill, the first grader could not have picked it up and used it with deadly accuracy.

How do we respond to this tragedy? How do we respond to others like it? There is no simple answer. But without a doubt, enacting our modest legislation to mandate that a child safety lock be sold with every handgun would be a good first step.

The distinguished Chairman of the House Judiciary Committee, HENRY HYDE, said over the weekend about the stalled gun provisions of the Juvenile Justice bill, "If you can't get dinner, at least get a sandwich." I agree.

Chairman HYDE, who has always been committed to reasonable firearms control, would prefer dinner. And I would too: we ought to pass the whole Juvenile Justice bill. We ought to do it soon. Time is of the essence because while the Congressional attention span is short, children die even when Congress isn't watching. We need to do more to protect children from guns and we need to do it now.

It is a regrettable truth that progress in the Juvenile Justice debate lurches forward only in reaction to unspeakable tragedy. A year ago next month, the massacre at Columbine and the shooting in Conyers, Georgia shocked this Senate into passing common sense proposals to get tough on thugs and violent juveniles. Some of those very same measures, including child safety locks, failed to pass the Senate by wide margins just the previous year.

But the overwhelming approval of the child safety lock proposal demonstrates that the Senate "gets it:" kids and guns do not mix. The House needs to "get it" too. The Center for Disease Control estimates that nearly 1.2 million "latch-key" children have access to loaded and unlocked firearms. It should come as no surprise, therefore, that children and teenagers cause over 10,000 unintentional shootings each year in which at least 800 people die. In addition, over 1,900 children and teenagers attempt suicide with a firearm each year. Tragically, over three-fourths of them are successful.

If preventable suicides and accidents are not enough to convince you that guns must be kept out of the hands of children, consider the following: within the next five years, firearms will overtake motor vehicle accidents as the leading cause of death among American children. The rate of firearm death of children under 15 years old is 16 times higher in the U.S. than in the 25 other industrialized nations combined. And the firearm injury "epidemic," due largely to handgun injuries, is ten times larger than the polio epidemic of the first half of the 20th century.

The very same day that young Kayla Rolland was tragically killed in Michigan, a 12 year old middle school student in the Milwaukee area carried a loaded gun to school. A disagreement the previous day led him to seek revenge by scaring his classmates. Thankfully, he never used the gun and school officials safely confiscated it. This scenario is replicated across the country every day.

Requiring child safety locks will drive the number of juvenile gun deaths down—something everyone approves of.

Mr. President, we have the opportunity to reduce what will soon be the number one cause of death among American children. How can we sit idly by when preventing it is so attainable?

We cannot.

So we ought to pass the Kohl-Chafee-Hatch Child Safety Lock Act. Alone or, better yet, as part of a package, it will help prevent the tragic accidents associated with unauthorized, unlocked, unattended firearms. I am pleased that the President called today's summit to try to move on these urgent matters. I am distressed that it seems, at least today, unproductive. And I pledge to work with the President and the bipartisan Leadership to act now so that we do not have to mourn more preventable innocent deaths.

#### ADDITIONAL STATEMENTS

##### RESTORATION OF LITHUANIA'S INDEPENDENCE

• Mr. ABRAHAM. Mr. President, on March 18 of this year, at the Lithuanian Cultural Center, in Southfield, Michigan, Lithuanian Americans will gather to mark the tenth anniversary of the reestablishment of Lithuanian independence.

Michigan's Lithuanian-American community also will celebrate the perseverance and sacrifice of their people, which enabled them to achieve the freedom they now enjoy.

I have reviewed the bare facts before: On March 11, 1990, the newly elected Lithuanian Parliament, fulfilling its electoral mandate from the people of Lithuania, declared the restoration of Lithuania's independence and the establishment of a democratic state. This marked a great moment for Lithuania